

NOT SCHEDULED FOR ORAL ARGUMENT
IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

STATE OF MISSOURI,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Case No. 25-1141

STATUS REPORT

Respondent United States Environmental Protection Agency (“EPA” or “Agency”) submits this status report in accordance with this Court’s February 21, 2025, Order.

1. Petitioner seeks review of an EPA action entitled, “Finding of Failure to Attain and Reclassification of the Missouri Portion of the St. Louis Nonattainment Area as Serious for the 2015 Ozone National Ambient Air Quality Standards,” 89 Fed. Reg. 92816 (Nov. 25, 2024).

2. Petitioner filed the above-captioned action on January 25, 2025, Pet. (Doc. No. 5478576).

3. Prior to filing the above-captioned action, Petitioner submitted an administrative petition for reconsideration of the same action challenged here.

4. On February 10, 2025, EPA moved unopposed to hold this case in abeyance to allow the new administration time to review the issues in the case and the petition for reconsideration. Mot. (Doc. No. 5483969). On February 21, 2025, this Court placed this matter in abeyance. Order (Doc. No. 5488124).

5. Since the Court's order placing this matter in abeyance, EPA granted Petitioner's administrative petition for reconsideration on March 5, 2025, pursuant to its inherent authority to reconsider decisions, in addition to its rulemaking authority under 5 U.S.C. § 553(e). EPA intends to undertake a notice-and-comment action to reconsider the determination at issue in this litigation and is currently working on the new action.

6. For these reasons, the Court should continue to hold this matter in abeyance with status reports due on sixty-day intervals. EPA will file another status report in sixty days.

Respectfully submitted,

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U.S. Environmental Protection
Agency

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Date: April 22, 2025

CERTIFICATE OF SERVICE

I certify that on April 22, 2025, I electronically filed this document with the Court's CM/ECF system, which will serve each party's counsel of record.

/s/ Kimere J. Kimball
KIMERE J. KIMBALL